TRANSMITTAL
FORM

(to be used for all correspondence after initial filing)

Application Number	10/609,012
Filing Date	June 27, 2003
First Named Inventor	Theo T. Nikiforov
Art Unit	1637
Examiner Name	Jeffrey Siew
Attorney Docket Number	100/07933
Total Number of Pages in This Submission	

ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): PTO Form 1449 (2 pages) 19 references
Remarks Please charge Deposit Account No. 03-0177 for any additional fees associated with this paper or during pendency of this application		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

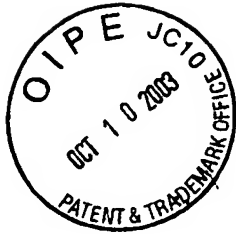
Firm or Individual name	Andrew L. Filler, Reg. No. 44,107
Signature	<i>Andrew L. Filler</i>
Date	10-8-03

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
Typed or printed name	Michelle Chan		
Signature	<i>Michelle Chan</i>	Date	Oct 8, 2003

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Oct. 8, 2003

Signed: Michelle Chan
Michelle Chan

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appln. No.	:	10/609,012	Confirmation No.:	8342
Applicant	:	Theo T. Nikiforov		
Filed	:	June 27, 2003		
TC/A.U.	:	1637		
Examiner	:	Jeffrey Siew		
Docket No.	:	100/07933		
Customer No.	:	021569		
Title	:	Assay Methods and Systems		

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Sir:

The references cited on the attached form PTO-1449 are being called to the attention of the Examiner. A copy of each reference is enclosed.

With this Supplemental Information Disclosure Statement, Applicant would like to bring to the attention of the Examiner the existence of pending patent litigation involving U.S. Patent Nos. 6,287,774 and 6,472,141, which were granted on applicant's earlier related U.S. Patent Application Nos. 09/316,447 and 09/569,193 filed May 21, 1999 and May 11, 2000, respectively. Applicant is calling the existence of this litigation (Caliper Technologies Corp. ("Caliper") v. Molecular Devices Corporation ("MDC"), Civil Case No.: C-02-1837 (CRB) (N.D. California, April 17, 2002)) to the Examiner's attention in accordance with Section 2001.06(c) of the Manual of Patent Examining Procedure.

In connection with that litigation, on January 28, 2003, Caliper filed a Motion for Preliminary Injunction which asks the Court to enjoin further sales of MDC's infringing "IMAP" products. On April 1, 2003, MDC filed a response Opposition memorandum, denying infringement and arguing that the patents are invalid as anticipated, and unenforceable for inequitable conduct, due to Applicant's failure to disclose a publication by Seethala et al. entitled

"A Homogenous Fluorescence Polarization Assay for Src-Family Tyrosine Kinases," *Analytical Biochemistry*, **253**, 210-218 (1997), which reference has been previously submitted to the Examiner in related co-pending patent application Serial No. 10/397,887 and also is being submitted herewith. Caliper filed a Reply memorandum and supporting declarations on April 11, 2003. The Court held a claim construction hearing on June 30, 2003. The Court issued its Claim Construction Order in the pending litigation on September 3, 2003. Applicant is submitting herewith MDC's redacted version of its Opposition to Caliper's Motion for Preliminary Injunction in that pending litigation, as well as supporting declarations (redacted by MDC) from Professor Andrew R. Barron, MDC's noninfringement and invalidity expert, and Richard Sportsman, MDC's Vice-President of Assay and Reagent Research and Development, as well as a copy of the Court's 9/03/03 Claim Construction Order.

It is respectfully requested that the cited information be expressly considered during the prosecution of this application, and the references be made of record therein and appear among the "references cited" on any patent to issue therefrom.

As provided for by 37 CFR §1.97(g) and (h), no inference should be made that the information and references cited are prior art merely because they are in this statement and no representation is made that a search has been conducted or that this statement encompasses all possible relevant information.

Applicants believe that no fee is required for submission of this statement, since it is being submitted within three months of the filing date or prior to the first Office Action. However, if a fee is required, the Commissioner is authorized to charge such fee to Deposit Account No. 03-0177. Please charge any additional fees or credit any overpayment to the above-noted deposit account.

Respectfully submitted,



Andrew L. Filler
Reg. No. 44,107

CALIPER TECHNOLOGIES CORP.
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Fax: 650-623-0504

Substitute for form 1449A/PTO				Complete if Known	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(use as many sheets as necessary)</i>				Application Number	10/609,012
				Filing Date	June 27, 2003
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				Examiner Name	Jeffrey Siew
Sheet		of		Attorney Docket Number	100/07933

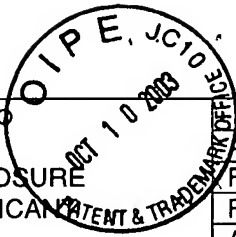
U.S. PATENT DOCUMENTS					
Examiner Initials	Cite No.	Document No.	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, lines, Where Relevant Passages or Relevant Figures Appeal
		Number - Kind Code (if known)			
	AA	5,804,395	09-08-1998	Schade et al.	
	AB	6,287,774	09-11-2001	Nikiforov	
	AC	6,436,646	08-20-2002	Nikiforov	
	AD	6,472,141	10-29-2002	Nikiforov	

FOREIGN PATENT DOCUMENTS						
Examiner Initials	Cite No.	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T
		Country Code - Number - Kind Code (if known)				
	AE	WO-9412665	06-09-1994	R-P Technologies		
	AF	WO-9964840	07-07-1999	Caliper		
	AG	WO-0023785	04-27-2000	LJL Biosystems		
	AH	EP- 781 853	07-02-1997	Eli Lilly Co.		
	AI	EP- 786 666	07-30-1997	Hoffman La Roche		

OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS			
Examiner Initials	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and-or country where published.	T
	AJ	COFFIN, J. et al., "Detection of Phosphopeptides by Fluorescence Polarization in the Presence of Cationic Polyamino Acids: Application to Kinase Assays" <u>Anal. Biochem.</u> (2000) 278:206-212	
	AK	ERICKSON, A.C. et al., "Metal (Fe ³⁺) Affinity Chromatography: Differential Adsorption of Tau Phosphoproteins" <u>J. Neurosci. Methods</u> (1993) 46-245-249	
	AL	MUSCZYNSKA, G. et al., "Selective Adsorption of Phosphoproteins on Gel-Immobilized Ferric Chelate" <u>Biochemistry</u> (1986) 25-6850-6853	
	AM	NIKIFOROV, THEO T. et al., "Detection of Hybrid Formation between Peptide Nucleic Acids and DNA by Fluorescence Polarization in the Presence of Polylysine" <u>Anal. Biochem.</u> (1999) 275:248-253	
	AN	PARK, Y-W. et al., "Homogeneous Proximity Tyrosine Kinase Assays: Scintillation Proximity Assay versus Homogeneous Time-Resolved Fluorescence" <u>Anal. Biochem.</u> (1999) 269:94-104	
	AO	SEETHALA, R. et al., "A Homogeneous, Fluorescence Polarization Assay for Src-Family Tyrosine Kinases" <u>Anal. Biochem.</u> (1997) 253:210-218	

Examiner Signature		Date Considered	
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.



Substitute for form 1449A/PTO		Complete if Known			
INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)		Application Number	10/609,012		
		Filing Date	June 27, 2003		
		First Named Inventor	Theo T. Nikiforov		
		Art Unit	1637		
		Examiner Name	Jeffrey Siew		
Sheet		of		Attorney Docket Number	100/07933

AP	SEETHALA, R. et al., "A Fluorescence Polarization Competition Immunoassay for Tyrosine Kinases" <u>Anal. Biochem.</u> (1998) 255:257-262	
AQ	URIOS, P. et al., "Adaptation of Fluorescence Polarization Immunoassay to the Assay of Macromolecules" <u>Anal. Biochem.</u> (1990) 185:308-312	
AR	Molecular Devices Corporation's redacted version of its Opposition to Caliper's Motion for Preliminary Injection in pending litigation US Civil Case No. C-02-1837 (CRB) and supporting declaration by Andrew R. Barron and Richard Sportsman	
AS	Claim Construction Order, US District Court, Northern District of California, Case No. C 02-01837, September 3, 2003	

Examiner Signature		Date Considered	
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.